



CITY COUNCIL MEETING MINUTES July 21, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, July 21, 2020, in the Council Chambers of City Hall. Council members present in person or via telephone were Riley Hill, Dan Capron, Norm Crume, and Michael Braden, Marty Justus, and Ramon Palomo. Freddy Rodriguez arrived at 6:08.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Betsy Roberts, Dan Cummings, Steven Romero, Larry Sullivan, and Dallas Brockett.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on July 17, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Councilor Freddy Rodriguez arrived at 6:08.

LOCAL CONTRACT REVIEW BOARD

Personal Service Contract with Winterowd & Brooks, LLC, dba Winterbrook Planning to Assist the City in Preparing a "Modified Housing Needs Analysis and Production Strategy" and Amendments to the Ontario Zoning Ordinance to Allow Duplexes in Single-Family Zones Consistent with Housing Bills 2001 and 2003

Dan Cummings, Community Development Director, presented.

CRUME moved, CAPRON seconded, **THE MAYOR AND CITY COUNCIL, SITTING AS A LOCAL CONTRACT REVIEW BOARD, DECLARE THAT THE CONTRACT BETWEEN THE CITY OF ONTARIO AND WINTEROWD & BROOKS, LLC DBA WINTERBROOK PLANNING TO PROVIDE MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY REPORTS AS WELL AS AMENDMENTS TO THE ONTARIO ZONING ORDINANCES IS A PROFESSIONAL SERVICE CONTRACT UNDER SECTION 7.1 OF THE ONTARIO FINANCIAL POLICIES MANUAL THAT IS EXEMPT FROM THE COMPETITIVE BIDDING PROCESS**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CRUME moved, CAPRON seconded, **THE CITY COUNCIL APPROVE A PROFESSIONAL SERVICE CONTRACT WITH WINTEROWD & BROOKS, LLC, DBA WINTERBROOK PLANNING FOR PROVIDING ASSISTANCE WITH THE MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY REPORTS AS WELL AS AMENDMENTS TO THE ONTARIO ZONING ORDINANCES AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

CRUME moved, JUSTUS seconded, **TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF JUNE 16, 2020, AND COUNCIL MEETING MINUTES OF JUNE 23, 2020**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATIONMerchant McIntyre

Brent Merchant, Co-Founder Merchant McIntyre, presented.

NEW BUSINESSLiquor License Application – Columbia Distributing

Steven Romero, Police Chief, presented.

CAPRON moved, PALOMO seconded, **THE CITY COUNCIL APPROVE THE CHANGE OF OWNERSHIP WHOLESALE MALT BEVERAGE & WINE LIQUOR LICENSE APPLICATION FOR COLUMBIA DISTRIBUTING.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Right of Way Easement from the City of Ontario to Cascade Natural Gas along SE 2nd Street Right of Way for a Gas Line (Planning Action 2020-06-25EASE)

Dan Cummings, Community Development Director, presented.

JUSTUS moved, CAPRON seconded, **THE CITY COUNCIL APPROVE THE RIGHT OF WAY EASEMENT FOR A GAS LINE OVER AND ACROSS THE PARCEL OF LAND KNOWN AS TAX LOT 702 ON MAP 18S4710C REFERENCE #16871 AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT SHOWN AS ATTACHMENT 1 OF THIS REPORT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Authorization to Purchase Equipment for Biosolids Removal Project

Betsy Roberts, City Engineer, presented.

Councilor Capron stated a potential Conflict of Interest due to his business bidding on provide the equipment.

BRADEN moved, JUSTUS, **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN A PURCHASE ORDER FOR UP TO \$40,000 FOR THE PURCHASE OF A SIDE DISCHARGE SPREADER FOR THE PURPOSE OF SPREADING BIOSOLIDS ON FARM GROUND, CONTINGENT ON MEETING ADEQUATE COMPETITIVE BIDDING REQUIREMENTS.** Roll call vote: Crume-yes; Rodriguez-no; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-no. Motion carried 5/2/0.

Wastewater Treatment Plant Preliminary Design Task Order

Betsy Roberts, City Engineer, presented.

BRADEN moved, CRUME seconded, **THE CITY COUNCIL APPROVE THE DIFFUSER PRELIMINARY DESIGN TASK ORDER FOR \$35,000 FOR MURRAYSMITH.** Roll call vote: Crume-yes; Rodriguez-no; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-no. Motion carried 5/2/0.

PUBLIC HEARINGOrdinance #2775-2020: An Ordinance Amending the City of Ontario Comprehensive Plan and Zoning Map from Neighborhood Commercial (C-1) to General Commercial (C-2) Zone Classification

It being the date advertised for public hearing on the matter of Ordinance #2775-2020, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and one declarations of conflict of interest.

Councilor Justus declared a Conflict of Interest.

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

CAPRON moved, RODRIGUEZ seconded, THAT THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-1 TO C-2, AS SET FORTH IN ACTION 2020-03-17RZ AND APPROVE ORDINANCE #2775-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO FIRST READING BY TITLE ONLY. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-abstain; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/0/1.

CAPRON moved, RODRIGUEZ seconded, THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2775-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-abstain; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/0/1.

DISCUSSION ITEMS

Radio Failure and Purchase

Chief Romero stated last Monday, OPD experienced a complete radio failure, and had no radio communication with dispatch or with one another. The system crashed because one of the comparators, which allowed the radio waves to communicate, failed. They contacted a repair team, and learned that it was non-repairable, as it was something that could *not* be repaired, it had to be a full replacement. He was provided an approximate repair date of 10-14 days, as of last Wednesday. Repairs were not made, and the comparator was not available. The department borrowed some frequencies from Nyssa, some portable radios, and an administrative frequency. The officers had to listen to two completely different radio frequencies. If there was an officer on foot, listening to the radio, and another one in the police car, they could not communicate with each other, other than on portables. Even the fancy portables were challenging at best. The cost of the repair was substantial, a bit over \$8K, but it was a needed requirement to communicate. That would allow the department to use their exclusive OPD frequency after the repairs are made. This was part of the recommended overall system replacement plan, which was around \$250K, but this was just the plan for Phase 2, but the system broke in Phase 1.

The next step was for the Finance Director to bring back a resolution to move money for the purchase.

Code Enforcement

Adam Brown, City Manager, stated this action was added on behalf of Councilor Justus, as the mall property was looking bad.

Councilor Justus stated there were 3-foot weeds at the old Dominos building, across from the Toyota dealership. The dealership was well maintained and helped that section of town shine. The owners of the Dominos building whacked the weeds down to the ground, and were paying their abatement fine, but what they were not doing was fulfilling their obligation on following the landscaping ordinance. The ordinance stated the weeds could not exceed 6-inches in height, and there was another ordinance which stated they had to maintain their property. Not irrigating and just mowing down the weeds was not enough. Businesses needed to maintain. The mall hires somebody who would go in and chop everything down, but that was not landscaping and it was not maintaining. They'd leave the weeds all growing in the cracks all the way down the sidewalk curbs. If the city was going to have Ordinance Officers, they needed to enforce the landscaping and the maintenance of the property.

It was his understanding that there was a substantial unissued abatement on the mall owners, around \$180K...

Mr. Brown stated he did not believe that amount was correct.

Councilor Justus stated the city had issued \$220K in fines overall, over a period of a week, so there had to have been a big one for the mall.

Chief Romero stated the mall was one of them, but he did not have the breakdown. In July, Ordinance issued \$755,862.50 in civil penalties, with the mall being one of the chronic abusers. The KFC property was around \$1,550.

Councilor Justus stated his point was that if they were going to issue the fines, then follow up on them. He was aware of the electronic lien system, but was not a fan because he believed it was overlooked by the title companies. If someone received a fine for \$300, put it in the electronic lien system, but if you received a fine for \$1,500 or \$2,000, \$20,000, that lien should be filed at the county so that it was a public record. Then the city could use their foreclosure rights to take the property. The city either needed to collect the fines, or not, but don't issue \$750K in fines and not attempt to collect it. He didn't want someone's money, he wanted someone to maintain their property.

Mayor Hill stated the fines were onerous and egregious. If it was just going to be done on weed enforcement, they had to do it on all types of enforcement. The code also required an underground sprinkler system, or so much landscaping on the property, etc., and to single out one, and enforce only one code was selective enforcement of the law and he didn't think they wanted to get into that business. He believed they should revisit how it was done. He was aware that he had some weeds on SE 11th, and it wasn't because he didn't know they were there, it was because of resources and getting someone to take care of it. He even had a tractor to do the work. There were things that just came up. The fines were onerous and if the city was getting around \$750K, it was not working and something needed to be changed.

Chief Romero stated he requested that Code Enforcement Officer Dallas Brockett do a complete analysis of all the outstanding cases, the civil penalties that were issued, as well as calculating the rate of return on those penalties. In 2019, the rate of collection for civil penalties was 5.60%; in 2020, was 1.11%, so the city was not bringing in a lot of money. He understood the Mayor's opinion that the penalties were extreme, but the rate of collection was very low. The goal was to gain compliance over receiving a fine payment. He wanted to clean up the properties, beautify the city, improve the quality of life so they didn't have to do that. The rate of collection was very low, both this year and last year.

Mayor Hill stated if there was a lien on a property and the title company figured that out, it would cloud the title when a sale or transfer happened.

Councilor Justus agreed, adding the fine would be collected. He wanted to know what the solution would be.

Mayor Hill stated collecting \$750K would clean up a lot of lots. Most of the problems were due to lack of resources. They needed to establish some type of program to get the properties cleaned up, and then they could assess. Instead of paying money to attorneys, have it handled by the city for far less money, followed by a lien on the property. But they couldn't just do it on weeds. They needed to enforce all the ordinances.

Councilor Justus agreed. But they kept chasing the issue. It had been an issue for him since coming on the City Council. Not doing anything was not the solution. The "green and growing" ordinance was something from the 60s and 70s, when water was cheap, and everyone wanted green grass.

Mayor Hill asked for verification on if there was an ordinance stating every residential lot had to have an underground sprinkler system.

Dan Cummings, Community Development Director, stated it wasn't just residential properties, it was all properties, residential or commercial, had to have 50% landscaping and 65% of that had to be green and growing and irrigated.

Councilor Justus stated they either needed to put the ordinance back up for discussion or enforce it or not. Ignoring it was not solving the problem.

Councilor Capron stated especially when those who did have the means to do it, did not do it.

Councilor Crume stated the dollar amount of the fines were piling up and the percentage rate of collection was not working, so the Council had to figure that out. They needed to kick the issue back to staff, to try and develop some strategy. Have staff look into what was working, what wasn't working, what was right, what was wrong, and bring solutions back to Council later.

Councilor Crume stated he had spoken with Mr. Brown about some property that he wanted to know what was going on. The main one was the old KFC property, with weeds over four feet tall. He had just learned that the property owner was being fined, but he wanted to know why it hadn't been abated. It was on the main traffic route in town, and it was the nastiest looking property.

Mr. Brown stated on the 16th, the property owner received a civil penalty, and was the second letter sent in 2020 for the weeds, so the fine was \$1,650. The owner had until the 26th to come into compliance or he'd receive another fine. He asked Chief Romero if those properties were being abated.

Chief Romero stated he did not have a clear picture of that issue. It was his understanding that in the past there were companies that would abate on behalf of the city, but he was not currently aware of what services or who was used to carry out that task, the physical abatement of the property. He would like some guidance on who they could use for that service.

Mr. Brown suggested that he, the Chief, and Public Works staff meet to discuss how the abatements worked with the civil penalties and would then present something to the Council.

Councilor Crume stated he recalled that the city was hiring, on an on-call rotating basis, different yard care companies in town. The company abated and billed the city. The city paid the bill, and then would try and recapture from the property owner. That was before civil penalties came into play.

Mr. Brown stated that was correct, and they'd investigate that again. It might have been stopped when they moved to civil penalties, or maybe during the transition of Chiefs.

Mayor Hill stated staff would bring back information at the next Council meeting.

HAND-OUTS

Check Register: (Attached)

Jun 1 → Jul 16, 2020

Minutes: (Attached)

County Court: 07-08-2020

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he had received a letter from Desert Sage, the Fairgrounds, thanking the city for the \$5K that was awarded to them to install new gates.
- Councilor Rodriguez stated he wanted to share a conversation he'd had with the City Manager regarding a potential conflict with the designs for the Wayfinding signs. It was his understanding that Black Lives Ontario was not okay with the design that was being put forward for the white demographic. He commended them for all the work they'd done, and for reaching out to adequate representation for the ethnic groups and cultures. He had been told they only represented minorities. He asked Mr. Brown to reach out to establish white families in this area, and to get feedback from them on a pattern that would represent that demographic. They were hoping for some feedback by the next meeting. He was all about equality, and he hoped this would remedy the issue of every demographic having representation on the signs.

Mr. Brown stated he was hopeful that things were moving on that. Staff was going to reach out to some local historians to get their feedback for Caucasian history. There were three different designs from the company, and he thought they were close on a design that would work for all of them. It was just that one last piece.

Councilor Crume stated the city needed to stay neutral on the tapestry to avoid a fight. He struggled with a sign having ethnic designs in the features.

- Councilor Crume stated last meeting they had discussed the issue of fuel delivery at the Airport. Missing was that there were four commercial outfits there that were not pumping fuel through the FBO. He hoped for Council consensus to direct staff to figure out what was best for the Ontario Airport, meaning should the commercial outfits be allowed to pump their own fuel, or should it be a rule that it had to go directly through the FBO. Make that decision and develop a plan to bring back to Council.

Mayor Hill stated it was already ruled that they had to, it wasn't being enforced.

Councilor Crume agreed, but they needed to determine what they were going to do, and then enforce it, whatever the decision was. He suggested a three-month timeframe for staff to bring something back to Council.

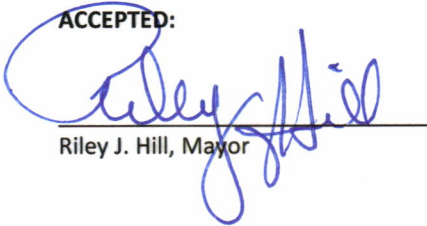
Mr. Brown stated this was what he needed to hear. Many of the Airport Committee members were conflicted because they were owners or operators.

Council consensus to have staff develop a plan and bring it back before Council within three months.

ADJOURN

JUSTUS moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder